

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 27, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONICA PESINA, (01)

NICHOLAS SEAN CARTER, (02)

Defendants.

No. 2:20-cr-00005-SMJ-01

2:20-cr-00005-SMJ-02

**NOTICE RE: COVID-19  
PRECAUTIONS**

**\*\*\*UNITED STATES MARSHALS  
SERVICE ACTION REQUIRED\*\*\***

At the onset of the COVID-19 pandemic, the Court struck many in-person appearances to protect the health and safety of the Defendants, counsel, law enforcement, Court staff, and the public. However, due to the extended duration of the District's COVID-19 response measures, the Court understands the parties in this matter wish to proceed with the scheduled hearing on Defendant Carter's (02) Motion to Suppress Evidence, ECF No. 48, in-person.<sup>1</sup> See ECF No. 59. As such, the following precautions must be taken to ensure the health and safety of participants:

<sup>1</sup> Pursuant to the Court's Order, ECF No. 57, the parties were advised if they had an objection to the hearing to be held via videoconference, any such objection should be made within three days of the Order. Defense counsel for Defendant Carter (02) filed a Notice of Objection to ECF No. 57, requesting an in-person hearing. ECF No. 59.

1           1. Defendant Carter's (02) Motion to Suppress Evidence hearing  
2           scheduled for June 3, 2020 at 8:30 A.M. in Richland shall be conducted  
3           in person. All parties shall make the necessary arrangements to appear  
4           in person, including complying with the following.

5           **A.** All parties shall abide by social distancing requirements,  
6           including defense counsel and their clients, at all times when  
7           inside the courthouse. Where necessary to permit private  
8           discussion between Defendant and defense counsel, the Court  
9           will instruct the US Marshals to escort defendant and counsel to  
10          the visitors room.

11          **B.** All counsel and others addressing the Court will do so from  
12          counsel table, rather than from the podium. Only two people will  
13          be permitted per counsel table.

14          **C.** All persons shall wear a face covering while inside the  
15          courthouse.

16                i. Counsel are reminded to clearly enunciate as face coverings  
17                may have a muffling affect on audibility of speech.


18                ii. Parties and witnesses reporting for in person hearings  
19                without a mask will be provided a mask by the Court Security  
20                Officer at the courthouse entrance. Family members and

1 other gallery members reporting without a face covering will  
2 not be permitted to enter the courthouse and will be  
3 redirected to call the public telephone conference line.

4 **D.** A public teleconference line will be made available for the  
5 public for this hearing. **Hearing content provided via**  
6 **videoconference access MUST NOT be recorded or**  
7 **rebroadcast.** Non-parties may call the Court's public  
8 conference line at **1-888-808-6929**, Access code **3648461** (no  
9 security code required), five minutes before the scheduled  
10 conference time.

11 Any person experiencing symptoms of COVID-19, or who has been in  
12 contact with a person known or suspected of contracting COVID-19, shall contact  
13 Court staff to allow the hearing to be reset. There is no obligation to disclose private  
14 health or personal information, but the Court asks the parties to weigh the health  
15 and safety of all participants when determining whether an in-person hearing should  
16 occur.

17 **DATED** this 27<sup>th</sup> day of May 2020.

18   
19 SALVADOR MENDOZA JR.  
20 United States District Judge